

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK



PM
JAN 11 2006

-----X
BRUNILDO GUICHARDO,

Plaintiff,

-against-

CITY OF NEW YORK, POLICE OFFICER WILLIAM
CONNICK, SHIELD #9546 and ADAM JANGEL,
SHIELD #14094 and UNIDENTIFIED NEW YORK
CITY POLICE OFFICERS, EMPLOYEES AND
AGENTS,

Defendants.
-----X

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

04 CV 5095 (ILG)(SMG)

WHEREAS, plaintiff commenced this action by filing a complaint on or about November 23, 2004, and an amended complaint on or about April 26, 2005 alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Brunildo Guichardo the total sum of SEVENTEEN THOUSAND, FIVE HUNDRED DOLLARS (\$17,500) in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the City of New York and to release the individually named defendants identified in the caption of the amended complaint as Police Officer William Connick, Shield #9546, Police Officer Adam Jangel, Shield #14094, "Unidentified New York City Police Officers, Employees, and Agents," any present or former employees or agents of the City of New York and the New York City Police Department, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the amended complaint in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, releases based on the terms of paragraph "2" above and Affidavits of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or hylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: 8/31/05

Debra
~~Deborah~~ E. O'Brien, Esq.
Attorney for Plaintiff
39-01 Main Street, Suite 202
Flushing, New York 11354
(718) 539-4044

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants City of New
York and Police Officer William
Connick
100 Church Street
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By: *Debra E. O'Brien*
~~Deborah~~ E. O'Brien, Esq. (DO 9536)
Debra

By: *Anna Nguyen*
Anna Nguyen (AN 6973)
Assistant Corporation Counsel

SO ORDERED:

[Signature]
U.S.D.J.

9/9/05



Courtesy Copy
original filed electronically

MICHAEL A. CARDOZO
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**
100 CHURCH STREET
NEW YORK, N.Y. 10007

RECEIVED
9/9/05
CHAMBERS OF
I. LEO GLASSER
U. S. D. C.

Anna Nguyen
Assistant Corporation Counsel
Tel.: (212) 788-0971
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September 7, 2005

BY ECF & COURTESY COPY BY HAND

Honorable I. Leo Glasser
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Guichardo v. City of New York et al., 04 CV 5095 (ILG)(SMG)

Dear Judge Glasser:

Enclosed please find a STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE that has been executed by the parties in the above-referenced matter. We respectfully request that Your Honor so order the enclosed STIPULATION.

Thank you for your consideration in this regard.

Respectfully submitted,

Anna Nguyen (AN 6973)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY ECF
Honorable Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

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